

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY,

Plaintiff,

v.

DC COMICS, INC.; DC COMICS; DC
ENTERTAINMENT, INC.; WARNER BROS.
DISCOVERY, INC.; and DOES 1-10,

Defendants.

Case No. 1:25-cv-00910-JMF

**DECLARATION OF JEFFREY
GOLDSTEIN IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION**

I, Jeffrey Goldstein, declare and state as follows:

1. I am the President, Global Distribution at Warner Bros. Pictures, a wholly-owned indirect subsidiary of Warner Bros. Discovery, Inc. I submit this declaration in support of DC's Opposition to Mark Warren Peary's motion for a preliminary injunction. I have personal knowledge of the facts contained within this declaration, and, if called upon as a witness, I could and would testify competently thereto.

2. I have worked for Warner Bros. for over 40 years, was appointed President of Domestic Distribution in September 2016 and in January 2025 was appointed President of Global Distribution. As President of Global Distribution, I have full responsibility for the day-to-day oversight of Warner Bros. Pictures' worldwide distribution activities, including release dating and patterns, business strategy, sales and administration, specialty/premium formats and exhibitor relations, throughout the world, including for films produced by DC Studios. Under my leadership of the domestic distribution function beginning in 2016, Warner Bros. Pictures' films, including DC properties like *Wonder Woman*, *The Batman*, *Joker*, and *Aquaman*, have earned over \$11.9 billion at the domestic box office, with 60 opening at number one.

3. On January 31, 2023, James Gunn and Peter Safran, the CEOs and Chairmen of DC Studios, announced the film *Superman* would be released on July 11, 2025.¹ Since this announcement, the film has been covered extensively across mainstream media outlets, such as The New York Times, The Wall Street Journal, Los Angeles Times, CNN, and Vanity Fair, as well as our industry's main trade media outlets such as Variety, The Hollywood Reporter, Deadline, and The Wrap. Attached as **Exhibit 1** is a list of over 250 American media articles discussing the film between January 31, 2023 and December 31, 2024, which represents just a small fraction of the intensive media coverage of our upcoming *Superman* film.

4. *Superman* has also received widespread media attention in Canada, the United Kingdom, Ireland, and Australia. Attached as **Exhibit 2** is a list of over 210 media articles from those countries discussing the film between January 31, 2023 and December 31, 2024.

5. Attached as **Exhibit 3** is a list of more than 70 representative social media posts made by Gunn, DC, Warner Bros., and others about *Superman* between January 31, 2023 and December 31, 2024. I understand that these posts received millions of views online.

6. Warner Bros. ramped up its worldwide marketing efforts for *Superman* throughout 2024 and debuted a teaser trailer for the film in mid-December. That trailer was viewed over 250 million times in the first day of its release alone.

7. Before this lawsuit was filed, I was not aware of anyone claiming Mr. Peary held any foreign copyright interests in Superman.

8. I am advised that on February 28, 2025, a month after filing this lawsuit, Peary asked this Court to preliminarily enjoin any exploitation of the original Superman character and story, as well as any derivative work, within Canada, the U.K., Ireland, and Australia.

9. Preventing *Superman* from being released in Canada, the U.K., Ireland, and Australia in July would eliminate our and our distribution partners' expected revenue in those countries. Moreover, as there is substantial demand for the film in those countries, an injunction

¹ When first announced, the film was tentatively titled *Superman: Legacy*. Its title has since been shortened to *Superman*.

would dramatically increase the likelihood that the film will leak online and be otherwise extensively pirated before it can be officially released in those countries.

10. *Superman* is being distributed by our foreign affiliates Warner Bros. Entertainment UK Limited in the U.K. and Ireland and Warner Bros. Entertainment Canada Inc. in Canada. Being prevented from distributing *Superman* as planned would severely harm the reputation of these affiliates with exhibitors and other partners in those countries with which those affiliates regularly contract. Meanwhile, a non-affiliate Universal Pictures International (“Universal”), is distributing the film in Australia under a license agreement with Warner Bros. An injunction would cause harm to Universal and our business relationship with an important distribution partner. Any delay in the film’s release in these four territories would incur additional attendant costs, including additional marketing expenses when the film is eventually released there and lost opportunity to timely realize licensing fees for television and streaming exploitation of the film in those markets once the theatrical release window ends.

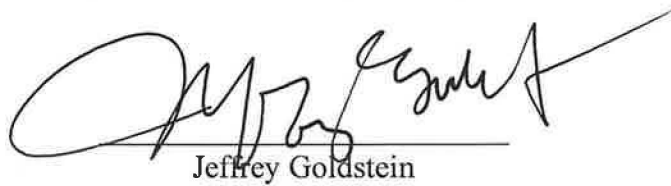
11. DC and Warner Bros. face stiff competition from rival studios and distributors, not to mention other forms of entertainment, for consumers’ attention and spending. We have significant investments and expectations riding on a successful *Superman* release. I have no doubt an injunction would be a significant setback in our fight to maximize brand reputation and maintain profitability in the face of industry headwinds.

12. An injunction would also harm movie theater operators and premium formats, such as IMAX, Dolby Vision, 3D, ScreenX, 4DX, and D-Box, which are still suffering from a heavily depressed theatrical business that in 2024 was down 26% worldwide over the pre-COVID-19 pandemic four-year average. These exhibitors, on which we rely for our box office revenues, themselves depend on summer tentpole films, like *Superman*, to cover their thin margins with ticket sales and concessions in order to stay in business. And premium format partners like IMAX make money through higher premium format prices in movie theaters that take advantage of their high-end audiovisual experiences; *Superman* was filmed entirely in an

IMAX format. If *Superman* wasn't able to be released in Canada, the U.K., Ireland, and Australia as planned, it would be financially devastating for these theaters and companies.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: April 7, 2025
Burbank, California



Jeffrey Goldstein